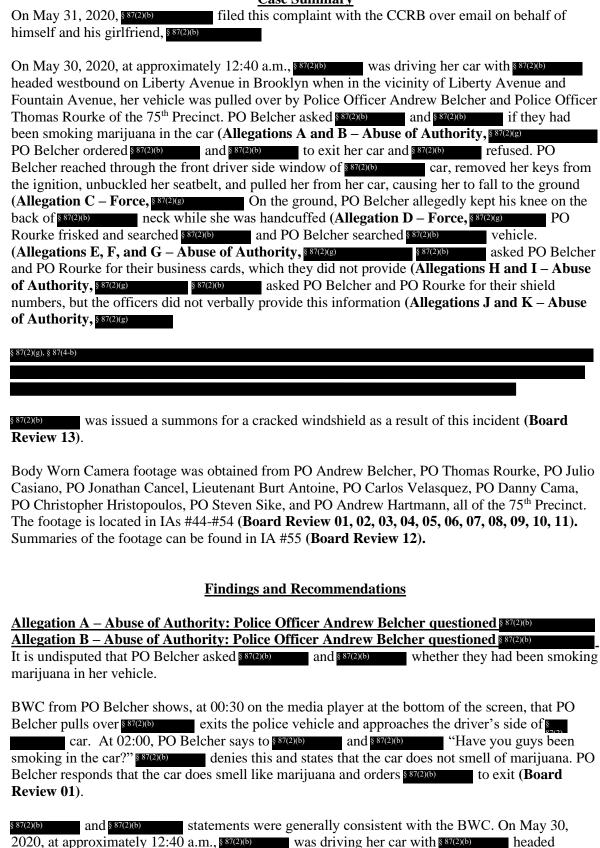
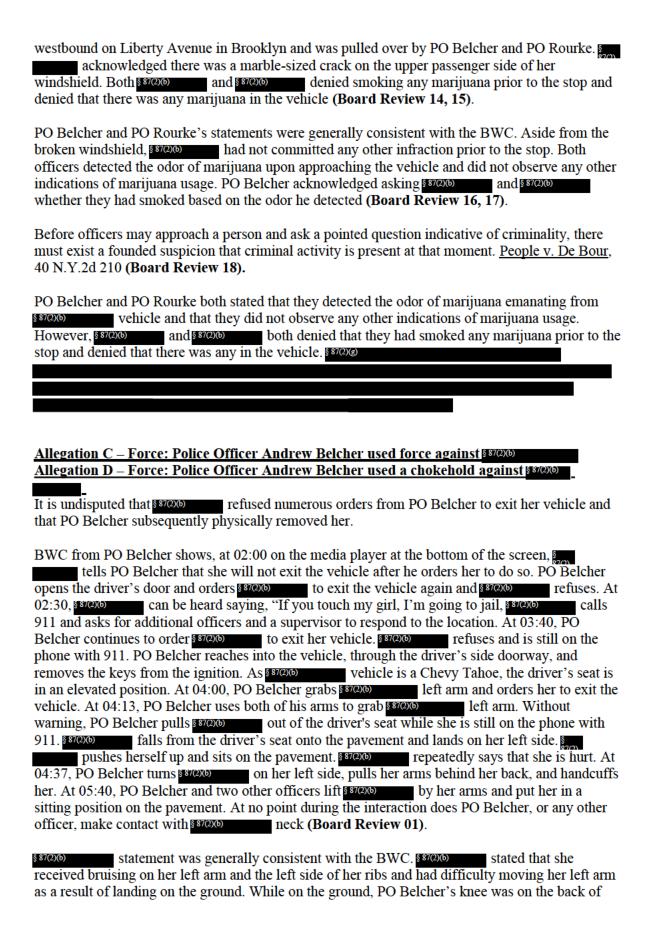
## CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	✓ Force	☐ Discourt.	U.S.
Trevor Hackett		Squad #8	202003772	☑ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Precinct	: 18 Mo. SOL	EO SOL
Saturday, 05/30/2020 12:40 AM		Fountain Avenue and I	Liberty Avenue	75	11/30/2021	5/4/2022
Date/Time CV Reported		CV Reported At:	How CV Reported	: Date/Ti	ime Received at CC	RB
Mon, 06/01/2020 2:16 PM		CCRB	Phone	Tue, 06	5/02/2020 10:24 AN	Л
Complainant/Victim	Туре	Home Addre	ess	•		
Subject Officer(s)	Shield	TaxID	Command			
1. POM Thomas Rourke	12040	963727	075 PCT			
2. POM Andrew Belcher	01072	960224	NARCBBN			
Witness Officer(s)	Shield N	o Tax No	Cmd Name			
1. LT Burt Antoine	00000	939877	IAB			
Officer(s)	Allegatio	on		Ir	ivestigator Recoi	nmendation
A.POM Andrew Belcher	Abuse: P	olice Officer Andrew Bo	elcher questioned §§	7(2) <b>(b)</b>		
B.POM Andrew Belcher	Abuse: P	olice Officer Andrew B	elcher questioned§8	7(2)(b)		
C.POM Andrew Belcher	Force: Po	olice Officer Andrew Be 37(2)(6)	lcher used physical	force		
D.POM Andrew Belcher	Force: Po	olice Officer Andrew Be 37(2)(6)	lcher used physical	force		
E.POM Thomas Rourke	Abuse: Police Officer Thomas Rourke frisked \$87(2)(0)					
F.POM Thomas Rourke	Abuse: P	olice Officer Thomas Ro	ourke searched § 87(2)	(b)		
G.POM Andrew Belcher		olice Officer Andrew Bowas an occupant.	elcher searched the	vehicle		
H.POM Andrew Belcher	Abuse: P § 87(2)(b)	olice Officer Andrew Bo with a business c		ride		
I.POM Thomas Rourke	Abuse: P § 87(2)(b)	vith a business c		ide		
J.POM Andrew Belcher	Abuse: P shield nu	olice Officer Andrew Bo mber to \$80(2)(5)	elcher refused to pro	ovide his		
K.POM Thomas Rourke		olice Officer Thomas Ro mber to § 87(2)(b)	ourke refused to pro	vide his		
§ 87(2)(g), § 87(4-b)						
§ 87(2)(g), § 87(4-b)			_			
§ 87(2)(g), § 87(4-b)		_ <u>-</u>				

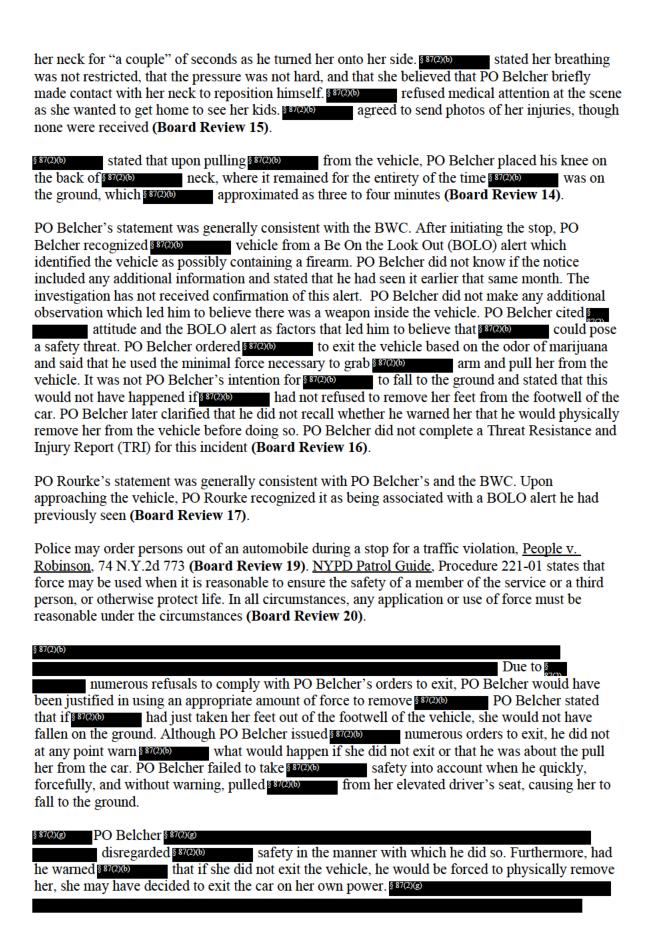
## **Case Summary**

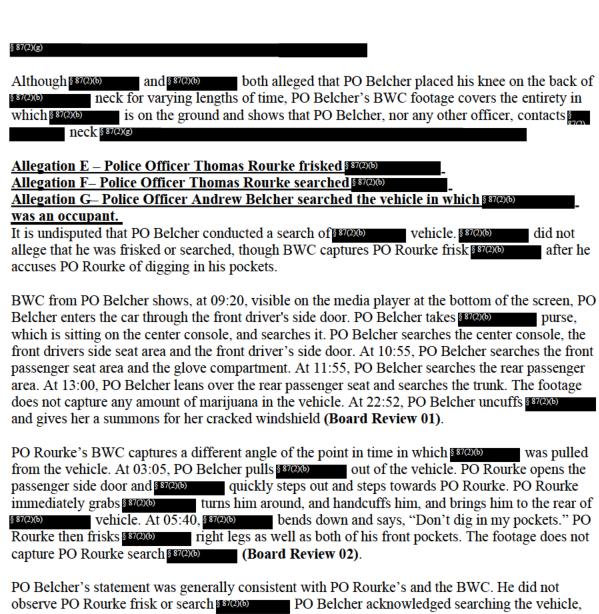


CCRB Case # 202003772



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PO Belcher's statement was generally consistent with PO Rourke's and the BWC. He did not observe PO Rourke frisk or search PO Belcher acknowledged searching the vehicle, and while doing so, found "very small" pieces of green marijuana "bud" on the floor between the seats. He identified the material as marijuana through his training. PO Belcher did not test the material because due to the small amount found, no police action (including issuing a summons) was going to be taken in regards. Aside from the material found between the seats, PO Belcher also observed rolling "blunt" papers. Nothing was found that PO Belcher would issue criminal charges for. He did not recall whether he informed anyone that some amount of marijuana had been recovered (Board Review 16).

PO Rourke's statement was generally consistent with the BWC. PO Rourke handcuffed due to a threatening statement he made and because he exited the vehicle quickly and "aggressively" in response to PO Belcher pulling cout. While handcuffed at the back of the vehicle, PO Rourke observed reaching down towards his pants. PO Rourke frisked around his waistband and his pants pockets to ensure he did not have anything that could hurt himself or anyone else. The frisk yielded negative results. PO Rourke did not observe any bulges in clothing which led him to believe he was armed and did not recall conducting a search. PO Belcher later informed PO Rourke that he had observed marijuana "crumbs" inside the vehicle while conducting a search (Board Review 17).

Lt. Antoine's statement was somewhat consistent with the BWC. Lt. Antoine, who arrived shortly after PO Belcher pulled from her vehicle, believed that officers searched the vehicle based on the odor of marijuana, though he was busy speaking with when this occurred. Lt. Antoine did not recall if he detected the odor of marijuana at the scene and did not recall whether PO Belcher informed him of the results of the search. Lt. Antoine did not recall whether was frisked or searched and was unaware of any BOLO alert which had been issued for vehicle (Board Review 21).
The smell of marijuana is sufficient to provide officers with probable cause to search a vehicle and its occupants ( <u>People v. Chestnut</u> 43 A.D. 2d 260, 1974) ( <b>Board Review 22).</b>
PO Belcher and PO Rourke both stated that they detected the odor of marijuana emanating from vehicle. As such, they would have probable cause to have served and cause of marijuana. Therefore, PO Rourke's frisk of cause of marijuana and cause of marijuana and cause of the they had smoked any marijuana or that there was any in the vehicle. Aside from the odor, PO Rourke and PO Belcher did not observe any other indication of marijuana usage when they approached the vehicle. Although PO Belcher stated that he observed marijuana crumbs on the floor of the vehicle he did not test the crumbs or make any documentation of them. BWC does not capture these crumbs and does not capture PO Belcher informing any other officer of this while at the location.
§ 87(2)(g)
Allegation H – Abuse of Authority: Police Officer Andrew Belcher failed to provide
with a business card. Allegation I – Abuse of Authority: Police Officer Thomas Rourke failed to provide \$370,00
with a business card.  Allegation J – Abuse of Authority: Police Officer Andrew Belcher refused to provide his
shield number to § \$7(2)(b)
Allegation K- Abuse of Authority: Police Officer Thomas Rourke refused to provide his shield number to \$87(2)(0)  It is undisputed that \$87(2)(0) requested business cards from PO Belcher and PO Rourke and requested the officers' shield numbers.
BWC from PO Belcher shows, at 23:43, says to PO Rourke and PO Belcher, "Y'all got a card?" PO Rourke says that he does not. PO Belcher says that he can write down his name. At 24:00, says to PO Rourke's name plate and shield. It does not ask either officer to provide their shield numbers during the incident (Board Review 01).
Both PO Belcher and PO Rourke stated that they had run out of business cards earlier in their tours and as such, were not able to provide (870) with one (Board Review 16, 17).

NYPD Patrol Guide, Procedure 203-09, as well as Administrative Code 14-174, state that officers are required to provide their business cards at the request of a member of the public (Board Reviews 23, 29). requested a business card from the officers at the conclusion of their interaction and neither PO Belcher nor PO Rourke provided him with one as required under The Right to Know Act. It is therefore recommended that Allegations H and I be closed as \$87(0)(g) PO Belcher and PO Rourke allowed \$87(2)(b) to photograph their name plates and shields. However, BWC of the incident shows that \$87(2)(b) and did not ask either officer to provide their shield numbers at any point. § 87(2)(g) § 87(2)(g), § 87(4-b) **Civilian and Officer CCRB Histories** PO Belcher has been a member of service for five years and has been a subject in seven CCRB complaints and 12 allegations, of which one was substantiated.: o #201808804 involved substantiated allegations of a frisk against PO Belcher. The Board recommended command discipline A, which the NYPD imposed. PO Rourke has been a member of service for four years and this is the first CCRB complaint that he has been a subject to. § 87(2)(b)

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§ 87(2)(b)			
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• As of A Notice	se was not suitable for a august 3, 2021, the New	ion, Civil and Criminal Histor mediation.  York City Office of the Comp regard to this incident (Board I	troller has no record of a
Squad No.:	8		
Investigator:	Trevor Hackett Signature	Inv. Trevor Hackett Print Title & Name	12/20/2021 Date
	Signature	Time Time & Ivame	Date
Squad Leader:	Ethan De Angelo Signature	IM Ethan De Angelo Print Title & Name	12/22/2021 Date
Reviewer:			
•	Signature	Print Title & Name	Date